Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	RM-10740
	)	
Rulemaking under Part 97 of	)	
The Communications Act of 1934	)	
As amended to Establish Technical	)	
Standards for Certain Amateur	)	
Radio Telephony Transmissions	)	

Comments by Dale Gagnon

28 July 2003

To: The Commission

Introduction

The petitioners seek to amend Part 97 of the rules to limit SSB radiotelephony (type J3E emission) to a maximum of 2.8 kHz bandwidth, and double-sideband AM radiotelephony (type A3E emission) to a maximum of 5.6 kHz bandwidth, on amateur frequency bands below 28.8 mHz. As a reason for this they cite two groups of amateurs that are adjusting their SSB emissions to widen their bandwidth and thereby lessen the communication capacity of amateur phone bands.

These comments call attention to the weak case the petitioners make for there actually being a problem that requires new Amateur Service rules, the adequacy of present rules to deal with the problems they cite, drawbacks of their remedy and the irrelevant inclusion of recommendations covering AM emissions in their petition.

1. The petitioners have not made a convincing case that there is a problem that requires rule making to correct. They point to two groups of amateurs who are causing a problem. One group is charged with "tweaking and adjusting their transmitters to splatter purposely"; the other is described as experimenters with "high-fidelity" audio. No information on the size of these groups is stated, but the petitioners relate information that the FCC Enforcement Division sent out **four** letters in April 2003. The petition states that the wider than normal single sideband emission problem is growing as "evidenced by the prodigious number of complaints submitted to the Commission's Enforcement Division and the directive letters issued by the office of Mr. Hollingsworth.". No numbers of complaints were included, but from my own monitoring

of the amateur phone bands and discussion with other amateurs, this reported aberrant behavior is very limited, so its hard to conceive that the FCC has received a prodigious (def.: enormous) number of complaints.

2. There are adequate provisions in the rules covering the Amateur Service to deal with the problems that have been observed by the petitioners. Amateur stations must be operated in accordance with good engineering and good amateur practice, and Amateur operators are prohibited from willfully or maliciously interfering with other radio signals. The group of amateurs charged by the petitioners with tweaking and adjusting to cause intentional splatter would appear to be in clear violation of rules governing malicious interference. The latter group of "experimenters" can be cited under the rules for observing good engineering and good amateur practice.

3. The solution the petitioners are asking for is to do away with over 50 years of successful voluntary compliance to a de facto standard and to mandate specific emission bandwidth standards. The problems and costs associated with compliance with the petitioner's recommendations would be considerable. As the petitioners realize, one unfortunate possibility of going down this road would be the eventual mandating of type-accepted equipment to insure bandwidth compliance.

4. The petitioners, after stating that amateur operators using AM emissions pose no problem, recommend limiting AM emissions to 5.6 kHz! There is no analog to the SSB case that the petitioners make. The theoretical impact of AM emissions on phone band capacity because AM emissions are twice as wide as SSB is not relevant. AM operators typically avoid congested band conditions where the listening quality advantages of AM are not realized, in favor of operations in off hours or on low usage amateur bands. AM operations also are typically in roundtable nets with many stations resulting in a bandwidth / amateur AM station ratio less than the typical ratio for SSB QSOs on the same bands.

Conclusion:

The operating environment outcome the petitioners desire can be realized by continuation of amateur radio's self-policing activity, which has been effective since the inception of the Amateur radio service, with occasional enforcement action by the FCC under the rules that are in place today in Part 97. A radical change in rules to specify legal emission bandwidths is not justified by the situation the petitioners describe. The unintended consequences of their recommendations have the potential to adversely affect the Amateur Radio Service. The FCC should dismiss this petition in its entirety.

Dale Gagnon, KW1I
President: AM International
9 Dean Avenue
Bow, NH 03304